

**REMARKS**

The Office Action dated April 2, 2009, has been received and carefully reviewed. The following remarks form a full and complete response thereto. Claims 6-17 are pending in the application and are submitted for reconsideration.

Claims 10, 11, 16, and 17 were found to be objectionable on the grounds that they allegedly added elements to the base claims. While it is generally correct that the transition phrase “consisting of” limits the claim to the elements listed after that transition phrase, it is incorrect that claims 10-11 and 16-17 add elements to the claim. Rather, claim 6 is limited to the elements of a tray and a sheet. As an example, claims 10 and 11 merely modify the element of a sheet and therefore do not add any elements to the claim. None of the dependent claims add new elements and violate the “consisting of” clause. Accordingly, the objection is improper. Applicants request that the objection be withdrawn.

Claims 6-9 and 12-15 were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. In particular, the Office Action states the position that claims 6 and 12 do not recite any cuts, score lines, or perforations around the tabs and therefore would not be functional since retained articles would not be accessible without some sort of separation from the tab portions. As mentioned above, “consisting of” limits the claims to recited elements but does not serve to limit each element as asserted in the Office Action. Therefore, Applicants submit that one skilled in the art would understand how to make and use the invention

in view of the specification – i.e., an immediately available and removable packaging that consisted of a tray and a sheet fixed in part to the upper surface of the tray, since “fixed in part would allow for perforations and scoring in the like. Therefore, the claims are enabled and the rejection under §112 is not proper. Accordingly, Applicants request that the rejection be withdrawn.

On page 4 of the Office Action, it states that “should claim 7 be found allowable, claim 12 will be objected to [sic] under 37 C.F.R. § 1.75 as being a substantial duplicate thereof.” Applicants disagree and submit that claim 12 is not a substantial duplicate of claim 7, which depends from claim 6. For example, claim 12 does not contain the limitation “said tab portion having a length parallel to a length of the corresponding spaced apart section,” which is present in claim 6 and therefore incorporated in claim 7. Therefore, this objection is improper.

In view of the above, all objections and rejections have been sufficiently addressed. The Applicants submit that the application is now in condition for allowance and request that claims 6-17 be allowed and this application passed to issue.

In the event that this paper is not timely filed, the Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account No. 02-2135.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by

telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

Respectfully submitted,

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Date

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